IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7705 OF 2005

Ramdas Laxman Khade & Ors. .. Petitioners.
Versus
Satish Narayan Pawar & Ors. .. Respondents.

Mr.R.R.Bhonsale for petitioners.
Mr.S.V.Sadavarte for respondent Nos.1, 5 & 6.

CORAM : R.M.SAVANT, J.
DATE : 11th June, 2007.

P.C.

1. This petition impugns the order dated 10th September, 2003 passed by the 5th Ad-hoc Addl. Dist. Judge Pune in Misc.Civil Appeal No.217 of 2003.

2. By the said order, the appeal filed by the contesting respondents herein was allowed. The petitioners herein are the original plaintiffs who had filed R.C.S No.241 of 2002 in the Court of Civil Judge, Jr.Division, Ghodnadi, Pune praying for a declaration that mutation entries made on the basis of the Sale Deed are

not binding for partition, injunction and mesne profit. In the said suit, application for temporary injunction was filed. The said application was considered by the Trial Court. In the context of the material produced by the plaintiffs, the injunction was granted by an order dated 12th November, 2002. The respondent No.1 being aggrieved by the said order, preferred an appeal being Appeal No.217 of 2003 before the District Court, Pune. The said appeal was allowed on 10th September, 2003 and the injunction granted in favour of petitioners herein was vacated.

3. The injunction granted by the Trial Court was mainly on the basis of the electricity bills which were produced by the petitioners herein in support of their case. Whereas, the Lower Appellate Court on consideration of relevant material on record came to a conclusion that no case for injunction has been made out.

4. I have perused the impugned order dated 10th September, 2003. The said order is therefore in operation since 10th of September, 2003. The reasoning of the Appellate Court based on its prima-facie conclusion cannot be faulted with and hence in that view of the matter, no case for interference under Article 227 of the Constitution of India is made out. Petition is accordingly dismissed.

(R.M.SAVANT, J.)